

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**TYLER D. ROYSTER,**

**Plaintiff,**

**v.**

**Case No: 8:23-cv-1240-MSS-TGW**

**TRAVIS SIBLEY, Deputy, Pinellas  
County Sheriff's Office; MITCHELL  
GRISSINGER, Lieutenant, Pinellas  
County Sheriff's Office; ROBERT  
GUALTIERI, Sheriff, Pinellas County  
Sheriff's Office,**

**Defendants.**

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Plaintiff's Motion for leave to proceed *in forma pauperis* and Affidavit of Indigency. (Dkt. 2) On July 7, 2023, United States Magistrate Judge Thomas G. Wilson issued a Report and Recommendation, recommending that Plaintiff's Complaint be dismissed without prejudice. (Dkt. 4) No objections to the Report and Recommendation have been filed, and the time to do so has passed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 4), is **CONFIRMED** and **ADOPTED** as part of this Order; and

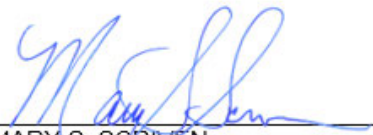
2. Plaintiff's Motion for leave to proceed *in forma pauperis*, (Dkt. 2), is **DENIED WITHOUT PREJUDICE.**
3. Plaintiff's Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE.**
4. Plaintiff is granted leave to file, within **TWENTY-ONE (21) DAYS** of the date of this Order, an amended complaint that addresses the deficiencies noted in Judge Wilson's Report and Recommendation. If Plaintiff decides to proceed in this action, Plaintiff is encouraged to read the Federal Rules of Civil Procedure and the Local Rules of this Court and file an amended complaint that conforms to the pleading requirements contained therein. The Local Rules are available for review on the public website for the Middle District of Florida at [www.flmd.uscourts.gov](http://www.flmd.uscourts.gov) and may be obtained from the Clerk's Office. Additionally, the website for the Middle District of Florida currently has a reference guide for the *pro se* litigant entitled "A Guide to Proceeding Without a Lawyer."<sup>1</sup> It provides, among other things, guidance to *pro se* plaintiffs on how to locate the applicable rules. Plaintiff is encouraged to refer to that resource before filing any amended complaint in this matter.
5. **Plaintiff is advised that if he fails to file a cognizable amended complaint, the Court will dismiss the amended complaint and CLOSE**

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<sup>1</sup> This guide may be accessed at <http://www.flmd.uscourts.gov/pro se/default.htm>.

**this case. Furthermore, if no amended complaint is filed and no request for extension of time is filed within the timeframe stated above, the case shall be CLOSED without further notice.**

**DONE AND ORDERED** in Tampa, Florida, this 18<sup>th</sup> day of August 2023.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person